

**Article 7 – Site and Project Plan, Special Exceptions Review, ~~Nonconformity~~
Alterations and Other Permits / Approvals**

**25.07.01 – ~~Site and Project Plan Approval Required~~ Site Plan, Project Plan, and
Special Exception Approval Required**

a. *Site Plan Approval*

1. *General Requirement* – A site plan application, where required by this Chapter, must be approved before any building, other structure, or land may be:
 - (a) Used;
 - (b) Constructed;
 - (c) Converted, wholly or in part, to any other use; or
 - (d) Structurally changed.
2. *Exceptions* – A site plan approval is not required for:
 - (a) Single unit detached or semi-detached residential dwellings and related accessory uses except as may be required under the provisions of Section 25.10.08; or
 - (b) Uses allowed by temporary use permit issued by the Chief of Inspection Services.
3. *Required Findings* – A site plan application, where required in accordance with this Chapter, may be approved only if the applicable Approving Authority finds that approval of the application will not:
 - (a) Adversely affect the health or safety of persons residing or working in the neighborhood of the proposed development; ~~or~~
 - (b) Be detrimental to the public welfare or injurious to property or improvements in the neighborhood; ~~or~~
 - (c) Overburden existing and programmed public facilities as set forth in Article 20 of this Chapter and as provided in the adopted Adequate Public Facilities Standards; or

- (d) Constitute a violation of any provision of this Chapter or other applicable law.

b. *Project Plan Approval*

1. *General Requirement* – A project plan application, where required in accordance with this Chapter, must be approved before any building, other structure, or land may be:
 - (a) Used;
 - (b) Constructed;
 - (c) Converted, wholly or in part, to any other use; or
 - (d) Structurally changed.
2. *Required Findings* – A project plan application, where required in accordance with this Chapter, may be approved only if:
 - (a) The Mayor and Council finds that approval of the application will not:
 - (i) Adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use; ~~or~~
 - (ii) Be detrimental to the public welfare or injurious to property or improvements in the neighborhood; ~~or~~
 - (iii) Overburden existing and programmed public facilities as set forth in Article 20 of this Chapter and as provided in the adopted Adequate Public Facilities Standards; or
 - (iv) Constitute a violation of any provision of this Code or other applicable law.
 - (b) The Mayor and Council must also make the findings required for preliminary plan approval set forth in Section 25.21.09.e.

c. *Special Exceptions*

1. *General Requirement* – A special exception, where required in accordance with this Chapter, must be approved before any building, other structure, or land may be:

- (a) Used;
 - (b) Constructed;
 - (c) Converted, wholly or in part, to any other use; or
 - (d) Structurally changed.
2. *Findings* – ~~The Board of Appeals must not grant any petition for a special exception unless it finds that the requirements of 25.15.01.a.2 have been met. The Board of Appeals must not grant any petition for a special exception unless it finds from a preponderance of the evidence of record that all of the following requirements have been met:~~
- ~~(a) The proposed use does not violate or adversely affect the Plan, this Chapter or any other applicable law;~~
 - ~~(b) The proposed use at the location selected will not:~~
 - ~~(i) Adversely affect the health and safety of residents or workers in the area;~~
 - ~~(ii) Overburden existing and programmed public facilities as provided in this Chapter and in the adopted Adequate Public Facilities standards;~~
 - ~~(iii) Overburden existing and programmed storm drainage and other public improvements;~~
 - ~~(iv) Be detrimental to the use or development of adjacent properties or the neighborhood; and/or~~
 - ~~(v) Create additional pollutant loads, waste streams, or environmental nuisances; and/or~~
 - ~~(vi) Change the character of the neighborhood in which the use is proposed considering service currently required, population density, character, and number of similar uses.~~
 - ~~(c) The proposed use complies with all other applicable requirements of this Chapter including the purposes of this Chapter set forth in Section 25.01.02.~~
- d. *Relation to Building Permit* – ~~No building permit may be issued or approved until a site plan, project plan, or special exception, if required, has been approved.~~

Where a site plan, project plan, or special exception is required, no building permit may be issued until such approval has been obtained.

25.07.02 – Review Procedure for Site Plans, Project Plans, and Special Exceptions

- a. *Application* – Applications for site plans and project plans must be submitted in accordance with the provisions of Section 25.05.02.
 1. *Pre-Application Area Meeting* - In all cases, the applicant is ~~encouraged or~~ required to conduct a pre-application meeting with residents of the neighborhood in which the project is proposed to outline the scope of the proposal.
 2. *Pre-Application Transportation Review* – ~~The requirements of this subsection are This is~~ in addition to any pre-application transportation review that may be required by the Comprehensive Transportation Review.
 3. *Pre-Application Natural Resources Filing*- Prior to filing an application, an applicant must have a validly approved Natural Resources Inventory (NRI) and Forest Stand Delineation (FSD) plan.
 4. *Potential Historic District* – Regardless of the total number of points as determined by Section 25.07.02.b below, if a project plan proposes demolition, as defined in Section 25.03.02, of a potential historic resource identified through the Natural Resource Inventory (NRI) process, the property will be evaluated for Historic District eligibility by the Chief of Planning. If the Chief of Planning makes a preliminary determination that the property meets the minimum eligibility criteria, or at the request of the Historic District Commission, the matter will be placed on the agenda of the Historic District Commission for an evaluation of property’s eligibility for historic designation and potential recommendation to the Mayor and Council for historic designation in accordance with Section 25.14.01.d.
- b. *Review Procedure, in General* – The review procedure for each application is based on a point system, provided in the chart below. Each application must be evaluated on the elements of the project, acreage of the site, the number of dwelling units proposed, the square footage of non-residential space, the residential impact area, and ~~the number of phases~~ traffic impact of development proposed. Each of these items is allocated a number of points which are added together to determine the complete point valuation for the project. If the Chief of Planning determines that the project may have ramifications beyond the calculated point total, the Chief of Planning is authorized to move the project up one (1) level in the review process.

Points Elements	1	2	3	4	Points
Tract size – Acres	1 or fewer	1.1 to 2.5	2.6 to 5	5.1 or greater	—
Dwelling Units	5 or fewer	6 to 50	51 to 150	151 or greater	—
Square Footage of Non-Residential Space	5,000 or fewer square feet	5,001 to 10,000 square feet	10,001 to 50,000 square feet	50,001 or greater square feet	—
Residential Area Impact	No residential development in a residential zone within ¼ mile of <u>the project</u>	35% of area within ¼ mile of the project area is comprised of single-unit detached residential units	65% of area within ¼ mile of the project area is comprised of single-unit detached residential units	Development is within single-unit detached unit area.	—
Traffic Impact – Net new peak hour trips	Fewer than 30 trips	30 – 74 trips	75 – 149 trips	150 or more trips	—
<i>Points Total</i>					The total of the points determine the level of notification.

c. *Site Plan Level of Review*

1. *Level One (1) – Site Plan Review:* If the elements of the proposed project total six (6) points or fewer, as determined in Section 25.07.02.b above, the Chief of Planning will complete the site plan review in accordance with Sections 25.07.01.a.3 and 25.07.03.
2. *Level Two (2) – Site Plan Review:* If the elements of the proposed project total seven (7) to nine (9) points, the Chief of Planning will complete a preliminary review and the Planning Commission will complete a final review of the site plan in accordance with Sections 25.07.01.a.3 and 25.07.04.
3. *Level Three (3) – Site Plan Review:* If the elements of the proposed project total 10 to 12 points, the Planning Commission will complete a preliminary review and a final review of the site plan in accordance with Sections 25.07.01.a.3 and 25.07.05.

- d. *Project Plan Review* – If the elements of the proposed project total 13 or more points the development is subject to project plan review. The Mayor and Council and Planning Commission will jointly conduct an initial review of the plan application, the Planning Commission will perform a preliminary review, and the Mayor and Council will then complete a final review of the plan in accordance with Sections 25.07.01.b.2 and 25.07.06. The Planning Commission will thereafter review subsequent site plans implementing the approved project plan in

accordance with the level two (2) site plan review procedures under Section 25.07.04 below.

- e. *Special Exception Review* – Regardless of the total number of points as determined in Section 25.07.02.b above the Board of Appeals will review and grant special exceptions in accordance with the findings of Section 25.07.07 25.15.01.a.2. After the Board of Appeals grants the special exception, the Planning Commission must approve a site plan in accordance with the provisions of this Article.

25.07.03 – Level One (1) Site Plan Review

An application for a site plan review with a total of six (6) points or fewer, as determined in Section 25.07.02.b above, is subject to the following provisions:

1. *Pre-Application Staff Meeting* – The applicant must hold a meeting with staff of the City’s Community Planning and Development Services prior to submitting an application to outline the scope of the project. At that meeting, the Chief of Planning will provide the applicant with a non-binding point evaluation for the project, which will be re-evaluated after the application is submitted.
2. *Pre-Application Area Meeting* – The applicant ~~is encouraged to~~ must hold an area meeting prior to submitting an application to outline the scope of the project. The applicant must send notice to property owners within 750 feet of the project area no less than two (2) weeks prior to any meeting.
3. *Application* – The applicant must file an application in accordance with the provisions of Article 5.
4. *Notice* – The Chief of Planning must send notice of the application filing in accordance with the provisions of Section 25.05.03.c to all property owners and residents within 750 feet from the boundaries of the area described in the application. Notification of a level one (1) site plan review must state that all interested parties have 30 days from the date of the letter to provide comments to the Chief of Planning.
5. *Sign* – A sign must be posted in accordance with the provisions of Section 25.05.03.d.
6. *Public Meeting* – The Chief of Planning must hold a public meeting on an application if an objection to the application is raised with the 30-day comment period.

- (a) *Notice* – Written notice of the meeting must be provided by the Chief of Planning in accordance with the provisions of Section 25.05.03.c.
 - (i) Notice must be sent to all property owners and residents within 750 feet of the boundaries of the area described in the application.
 - (ii) Notice must be sent no less than two (2) weeks prior to the meeting.
- (b) *Meeting Procedure* – The meeting must be conducted in accordance with the procedures contained in Section 25.06.06.e.3.
- 7. *Conditions of Approval* – Approvals may be subject to any condition that the ~~applicable Approving Authority~~ Chief of Planning finds necessary to protect the public health, safety, aesthetics, and welfare of the community and to ensure that the proposed use or development will be consistent with the purpose and intent of this Chapter.
- 8. ~~Validity~~ *Implementation Period* – The approval of a Level One (1) site plan is subject to the provisions of Section 25.04.06.b.
- 9. *Notice of Decision* – Notice of the Chief of Planning’s decision must be sent in accordance with the provisions of Section 25.05.06.
- 10. *Appeals* - Appeals of the Chief of Planning decision may be made in accordance with Section 25.04.06.c.

25.07.04 – Level Two (2) Site Plan Review

An application for a site plan review with seven (7) to nine (9) points, as determined in Section 25.07.02.b above, is subject to the following provisions:

- 1. *Pre-Application Staff Meeting* – The applicant must hold a meeting with staff of the City’s Community Planning and Development Services prior to submitting an application to outline the scope of the project. At that meeting, the Chief of Planning will provide the applicant with a non-binding point evaluation for the project, which will be re-evaluated after the application is submitted.
- 2. *Pre-Application Area Meeting* – The applicant must hold an area meeting prior to submitting an application to outline the scope of the project. The applicant

must send notice to property owners and residents within 1,000 feet of the project area, no less than two (2) weeks prior to the meeting.

3. *Initial Application* – The applicant must file an initial application in accordance with the provisions of Article 5 and must provide a date for an area meeting.
4. *Notice* – The Chief of Planning must send notice of the application filing in accordance with the provisions of Section 25.05.03.c. to all property owners and residents within 1,000 feet from the boundaries of the area described in the application.
5. *Sign* – A sign must be posted in accordance with the provisions of Section 25.05.03.d.
6. *Area Meeting* – The applicant must then hold an area meeting to explain the plan to property owners and residents of the area where the development is proposed.
 - (a) The Chief of Planning must send notice of the area meeting to all property owners and residents within 1,000 feet of the boundaries of the area described in the application.
 - (b) The notice must be sent no less than two (2) weeks prior to the meeting.
7. *Revised Application* – The applicant must file a revised application, if needed based on comments received at the area meeting, in accordance with the provisions of Article 5.
8. *Notice* – The Chief of Planning must send notice of the Planning Commission meeting and any revised application, if applicable, and the date for the Planning Commission public meeting, in accordance with the provisions of Section 25.05.03.c.
 - (a) The Chief of Planning must send notice ~~of the Planning Commission meeting~~ to all property owners and residents within 1,000 feet of the boundaries of the area described in the application.
 - (b) The notice must be sent no less than two (2) weeks prior to the Planning Commission meeting.
9. *Final Review; Public Meeting* – The Planning Commission must conduct a final review of, and hold a public meeting on, the revised application for a site plan approval.

10. *Conditions of Approval* – Approvals may be subject to any condition that the ~~applicable Approving Authority~~ Planning Commission finds necessary to protect the public health, safety, aesthetics, and welfare of the community and to ensure that the proposed use or development will be consistent with the purpose and intent of this Chapter.
11. ~~Validity~~ *Implementation Period* – The approval of a level two (2) site plan is subject to the provisions of Section 25.04.02.f.
12. *Notice of Decision* – The Chief of Planning must send notice of the Planning Commission's final review decision in accordance with the provisions of Section 25.05.06.

25.07.05 – Level Three (3) Site Plan Review

An application for a site plan review with 10 to 12 points, as determined in Section 25.07.02.b above, is subject to the following provisions:

1. *Pre-Application Staff Meeting* – The applicant must hold a meeting with staff of the City's Community Planning and Development Services prior to submitting an application to outline the scope of the project. At that meeting, the Chief of Planning will provide the applicant with a non-binding point evaluation for the project, which will be re-evaluated after the application is submitted.
2. *Pre-Application Area Meeting* – The applicant must hold an area meeting prior to submitting an application to outline the scope of the project. The applicant must send notice to property owners and residents within 1,250 feet of the project area no less than two (2) weeks prior to the area meeting.
3. *Initial Application* – The applicant must file an initial application in accordance with the provisions of Article 5.
4. *Notice* – The Chief of Planning must send notice of the application filing in accordance with the provisions of Section 25.05.03.c. to all property owners and residents within 1,250 feet of the project area described in the application.
5. *Sign* – A sign must be posted in accordance with the provisions of Section 25.05.03.d.
6. *Area Meeting* – The applicant must then hold an area meeting to explain the plan to property owners and residents of the area where the development is proposed.

- (a) The Chief of Planning must send notice of the area meeting to all property owners and residents within 1,250 feet of the boundaries of the area described in the application.
- (c) The notice must be sent no less than two (2) weeks prior to the area meeting.
- 7. *First Revised Application* – The applicant must file a revised application, based on ~~changes from the neighborhood~~ comments received at the area meeting, in accordance with provisions of Article 5.
- 8. Notice – The Chief of Planning must send notice of the Planning Commission meeting and any revised application, if applicable, in accordance with the provisions of Section 25.05.03.c.
 - (a) The Chief of Planning must send notice to all property owners and residents within 1,250 feet of the boundaries of the area described in the application.
 - (b) The notice must be sent no less than two (2) weeks prior to the Planning Commission meeting.
- 9. *Preliminary Review; Public Hearing; Notice* – The Planning Commission must conduct a preliminary review of the first revised application and conduct a public meeting thereon. ~~Notice of the meeting must be given in accordance with the provisions of Section 25.05.03.c.~~
 - (a) ~~The Chief of Planning must send notice of the public meeting to all property owners and residents within 1,250 feet of the boundaries of the area described in the application.~~
 - (b) ~~The notice must be sent no less than two (2) weeks prior to the Planning Commission meeting.~~
- 10. *Second Revised Application* – The applicant must file a second revised application, if needed, based on comments from the preliminary review, in accordance with the provision of Article 5.
- 11. Notice – The Chief of Planning must send notice of the Planning Commission meeting and any revised application, if applicable, in accordance with the provisions of Section 25.05.03.c.

- (a) The Chief of Planning must send notice to all property owners and residents within 1,250 feet of the boundaries of the area described in the application.
 - (b) The notice must be sent no less than two (2) weeks prior to the Planning Commission meeting.
12. *Final Review; Public Meeting; Notice* – The Planning Commission must conduct a final review of the second revised application and conduct a public meeting thereon. ~~Notice of the meeting must be given in accordance with the provisions of Section 25.05.03.c.~~
- ~~(a) The Chief of Planning must send notice of the public meeting to all property owners and residents within 1,250 feet of the boundaries of the area described in the application.~~
 - ~~(b) The notice must be sent no less than two (2) weeks prior to the Planning Commission meeting.~~
13. *Conditions of Approval* – Approvals may be subject to any condition that the ~~applicable Approving Authority~~ Planning Commission finds necessary to protect the public health, safety, aesthetics, and welfare of the community and to ensure that the proposed use or development will be consistent with the purpose and intent of this Chapter.
14. ~~Validity~~ Implementation Period – The approval of a Level Three (3) site plan is subject to the provisions of Section 25.04.02.f.
15. *Notice of Decision* – The Chief of Planning must send notice of the Planning Commission's final review decision in accordance with the provisions of Section 25.05.06.

25.07.06 – Project Plan Review

An application for a site plan review with 13 or more points, as determined in Section 25.07.02.b above, is processed as a project plan review and is subject to the following provisions:

- 1. *Pre-Application Staff Meeting* – The applicant must hold a meeting with staff of the City's Community Planning and Development Services prior to submitting an application to outline the scope of the project. At that meeting, the Chief of Planning will provide the applicant with a non-binding point evaluation for the project, which will be re-evaluated after the application is submitted.

2. *Pre-Application Area Meeting* – The applicant must hold an area meeting prior to submitting an application to outline the scope of the project. The applicant must send notice to property owners and residents within 1,500 feet of the project area no less than two (2) weeks prior to the meeting.
3. *Project Plan Application* – The applicant must file a ~~Conceptual~~ project plan application in accordance with the provisions of Article 5.
4. *Notice* – ~~The Chief of Planning must send notice of the application filing in accordance with the provisions of Section 25.05.03.c to all property owners and residents within 1,500 feet from the boundaries of the area described in the application.~~

The Chief of Planning must send notice of the joint Mayor and Council and Planning Commission public meeting and of the application in accordance with the provisions of Section 25.05.03.c.

- (a) The Chief of Planning must send notice to all property owners and residents within 1,500 feet of the boundaries of the area described in the application.
 - (b) The notice must be sent no less than two (2) weeks prior to the meeting.
5. *Sign* – A sign must be posted in accordance with the provisions of Section 25.05.03.d.
6. *Joint Mayor and Council/Planning Commission Public Notice and Initial Review* – The Mayor and Council and the Planning Commission must hold a joint public meeting to conduct an initial review of the ~~Conceptual~~ for a project plan. ~~The Chief of Planning must provide notice of public meeting in accordance with the provisions of Section 25.05.03.c.~~
7. *Area Meeting* – The applicant must then hold a neighborhood meeting to explain the proposed project plan to residents and property owners of the area where the development is proposed.
 - (a) The Chief of Planning must send notice of the area meeting to all property owners and residents within 1,500 feet of the boundaries of the area described in the application.
 - (b) The notice must be sent no less than two (2) weeks prior to the meeting.

8. *Revised Project Plan Application* – The applicant must file a revised application, based on comments received from the initial review and area meetings, in accordance with the provisions of Article 5.
9. *Notice* – The Chief of Planning must send notice of the Planning Commission public meeting and any revised application, if applicable, in accordance with the provisions of Section 25.05.03.c.
 - (a) The Chief of Planning must send notice to all property owners and residents within 1,500 feet of the boundaries of the area described in the application.
 - (b) The notice must be sent no less than two (2) weeks prior to the Planning Commission meeting.
10. *Planning Commission Public Notice and Meeting* - The Planning Commission must hold a public meeting on the revised application for a project plan. ~~The Chief of Planning must provide notice of public hearing in accordance with the provisions of Section 25.05.03.c.~~
 - (a) ~~The Chief of Planning must send notice of the area meeting to all property owners and residents within 1,500 feet of the boundaries of the area described in the application.~~
 - (b) ~~The notice must be sent no less than two (2) weeks prior to the meeting.~~
11. *Planning Commission Comments and Recommendation* - At the conclusion of the ~~Public Hearing~~ public meeting the Planning Commission shall prepare its comments and recommendations to the Mayor and Council.
12. *Second Revised Project Plan Application* – The applicant ~~must~~ may file a second revised application, if needed, based on comments received at the Planning Commission meeting, for consideration by the Mayor and Council.
13. *Notice* – The Chief of Planning must send notice of the Mayor and Council public meeting and any revised application, if applicable, in accordance with the provisions of Section 25.05.03.c.
 - (a) The Chief of Planning must send notice to all property owners and residents within 1,500 feet of the boundaries of the area described in the application.

- (b) The notice must be sent no less than two (2) weeks prior to the Mayor and Council meeting.

- 14. *Mayor and Council Public ~~Notice and Hearing~~* – The Mayor and Council must hold a public hearing on the revised application for a project plan. ~~The Chief of Planning must provide notice of public hearing in accordance with the provisions of Section 25.05.03.c.~~

- (a) ~~The Chief of Planning must send notice of the public hearing to all property owners and residents within 1,500 feet of the boundaries of the area described in the application.~~

- (c) ~~The notice must be sent no less than two (2) weeks prior to the meeting.~~

- 15. *Area Meeting* – If directed by the Mayor and Council, the applicant must then hold a second area meeting to explain the proposed plan to property owners and residents of the area where the development is proposed.
 - (a) The Chief of Planning must send notice of the area meeting to all property owners and residents within 1,500 feet of the boundaries of the area described in the application.
 - (b) The notice must be sent no less than two (2) weeks prior to the meeting.

- 16. *Final Project Plan Application* – The applicant must file a final project plan application, based on comments received during the public hearing and from the area meeting, if any, in accordance with the provisions of Article 5.

- 17. *Notice* – The Chief of Planning must send notice of the Mayor and Council public meeting and any revised application, if applicable, in accordance with the provisions of Section 25.05.03.c.
 - (a) The Chief of Planning must send notice to all property owners and residents within 1,500 feet of the boundaries of the area described in the application.
 - (b) The notice must be sent no less than two (2) weeks prior to the Mayor and Council meeting.

- 18. *Decision* – Upon close of the public hearing record, the Mayor and Council will hold a public meeting and render a final decision on the proposed project

plan. If the application is approved, the Mayor and Council will establish a validity period for the project.

19. *Conditions of Approval* – Site plan approvals and project plan approvals may be subject to any condition that the ~~applicable Approving Authority~~ Mayor and Council finds necessary to protect the public health, safety, aesthetics, and welfare of the community and to ensure that the proposed use or development will be consistent with the purpose and intent of this Chapter.
20. ~~Validity~~ *Implementation Period of Approval* – The approval of a project plan by the Mayor and Council is subject to the provisions of Section 25.04.01.b.
21. *Notice of Decision* – The Chief of Planning must send notice of the Mayor and Council’s decision on the final project plan in accordance with the provisions of Section 25.05.06.
22. ~~Preliminary Subdivision~~ *Plan of Subdivision Approval* - Approval of a project plan also constitutes approval of a preliminary plan of subdivision.
23. *Subsequent Site Plan Review* – All development approved under a project plan must obtain subsequent site plan approval in accordance with the level two (2) site plan review procedures under Section 25.07.04 above.

25.07.07 – Review of Applications for Special Exceptions

- a. *Pre-Application Staff Meeting* – The applicant must hold a meeting with staff of the City’s Community Planning and Development Services prior to submitting an application to outline the scope of the project. At that meeting, the Chief of Planning will provide the applicant with a non-binding point evaluation for the project, which will be re-evaluated after the application is submitted.
- b. *Notice of Meetings* – Notice shall be:
 1. In accordance with the provisions of Article 5 of this Chapter.
 2. The area of notice shall be based on the chart in Section 25.07.02.b above.
 - (a) For applications with zero (0) to six (6) points mailed notice shall be sent to all property owners and residents within 750 feet of the project area.
 - (b) For applications with seven (7) to nine (9) points mailed notice shall be sent to all property owners and residents within 1,000 feet of the project area.

- (c) For applications with 10 to 12 points mailed notice shall be sent to all property owners and residents within 1,250 feet of the project area.
- (d) For applications with 13 or more points mailed notice shall be sent to all property owners and residents within 1,500 feet of the project area.
- c. *Application Area Meeting* – The applicant must hold an area meeting prior to submitting an application to outline the scope of the project. The applicant must send notice of any meeting in accordance with Section 25.07.07.b above. Notice must be sent no less than two (2) weeks prior to the meeting.
- d. *Special Exception Application* – The applicant must file an initial Special Exception Application in accordance with the provisions of Article 25.05.02.
- e. *Notice* – The Chief of Planning must send notice of the application filing in accordance with the provisions of Sections 25.05.03.c and 27.07.07.b.
- f. *Sign* – A sign must be posted in accordance with the provisions of Section 25.05.03.d.
- g. *Area Meeting* – The applicant must then hold a neighborhood meeting to explain the proposed special exception to members of the area where the development is proposed.
 - 1. The Chief of Planning must send notice of the area meeting in accordance with the provisions of Sections 25.05.03.c and 27.07.07.a.
 - 2. The notice must be sent no less than two (2) weeks prior to the meeting.
- h. *Revised Special Exception Application* – The applicant must file a revised application, based on comments received ~~the initial review and~~ at the area meeting, in accordance with the provisions of Article 5.
- i. *Referring Application to the Planning Commission* – Within five (5) days after acceptance of any application under this Section, the Chief of Planning must transmit a copy of the application to the Planning Commission. The Board of Appeals may request that the Commission submit a written recommendation on the ~~variance special exception~~, based on the compliance of the variance with the Plan. If a recommendation is made, it must be placed in the application file by the Clerk of the Commission and become a part of the record on the application. If the Planning Commission considers the special exception, notice of their meeting must be given.
- j. *Planning Commission Public Notice and Meeting* – The Planning Commission may hold a public meeting on the revised application for a special exception.

1. The Chief of Planning must send notice of the Planning Commission meeting in accordance with the provisions of Sections 25.05.03.c. and 27.07.07.a.
2. The notice must be sent no less than two (2) weeks prior to the meeting.
- k. Comments and Recommendations - At the conclusion of the public ~~Hearing~~ meeting, the Planning Commission may prepare its comments and recommendations to the Board of Appeals.
- l. Second Detailed Special Exception Application – The applicant must file a second revised application, if needed, based on comments received at any Planning Commission meeting, in accordance with the provisions of Article 5 of this Chapter.
- m. Board of Appeals Public Notice and Hearing – The Board of Appeals must hold a public hearing on the revised application for a special exception.
 1. The Chief of Planning must send notice of the area meeting in accordance with the provisions of Sections 25.05.03.c and 27.07.07.a.
 2. The notice must be sent no less than two (2) weeks prior to the meeting.
- n. Decision – Upon close of the public hearing record, the Board of Appeals will render a final decision on the proposed special exception.
- o. Conditions of Approval – Special Exceptions approvals may be subject to any condition that the ~~applicable Approving Authority~~ Board of Appeals finds necessary to protect the public health, safety, aesthetics, and welfare of the community and to ensure that the proposed use or development with be consistent with the purpose and intent of this Chapter.
- p. Validity Implementation Period of Approval – The approval of a special exception is subject to the provisions of Section 25.04.03.g.
- q. Notice of Decision – The Chief of Planning must send notice of the Board of Appeals decision on the special exception in accordance with the provisions of Section 25.05.06.
- r. Zoning Map Indication – The grant of a special exception shall be noted upon the Zoning Map.

- s. *Subsequent Site Plan Review* – All development approved under a special exception must obtain subsequent site plan approval in accordance with the level two (2) site plan review procedures under Section 25.07.04.

25.07.08 – Temporary Use Permit

A temporary use permit must be issued prior to the use of a building, other structure, or land allowed by temporary site plan approval in accordance with the level two (2) site plan review procedures under Section 25.07.04 above, and demarked in the individual use charts of Articles 10 through 14. Provisions for issuing the permit are contained in Article 25.09.04.

25.07.09 – Sign Permit

Provisions for the issuance of sign permits are contained in Article 18.

25.07.10 – Occupancy Permit

- a. *Requirement* – An occupancy permit is required prior to:
 - 1. Occupancy and use of a building hereafter erected or structurally altered; and
 - 2. Occupancy or change in use of unimproved land.
- b. *Issuance* – An occupancy permit will only be issued by the Chief of Inspection Services or designee when the Chief of Planning and all other applicable City Department representatives, such as the City Forester and City Engineer, have found that all conditions of all applicable codes have been met.
- c. *Appeals* – The grant or denial of an occupancy permit may be appealed to the Board of Appeals.

25.07.11 – Temporary Occupancy Permit

- a. *When Allowed*
 - 1. The Chief of Inspection Services or designee may issue a temporary occupancy permit upon making the findings contained in subsection b.
 - 2. A temporary occupancy permit may not be issued for a ~~one-family~~ single-unit detached dwelling.
- b. *Issuance* – A temporary occupancy permit will be issued if the Chief of Inspection Services or designee finds, upon inspection, that:

1. Peculiar and exceptional difficulties or undue hardship would result if it were not issued;
2. All conditions imposed upon the granting of the development permit have ~~sufficiently been met to warrant the issuance of the temporary occupancy permit~~ been substantially completed and/or complied with;
3. A sufficient bond (totaling 200% of the value of the work to be completed) has been posted;
4. None of the remaining conditions to be complied with are a health or safety hazard; and
5. Granting of the application would not impair the intent or purposes of this Chapter or violate any provision of the Code or other applicable law.

c. *Validity Period of Approval*

1. *Validity Period* – A temporary occupancy permit is valid for a period not to exceed 30 days, in the discretion of the Chief of Inspection Services or designee, and based on the characteristics of each application.
2. *Renewal* – For good cause shown, the Chief of Inspection Services may renew a temporary occupancy permit for additional periods, in accordance with Section 25.05.08, but no temporary occupancy permit, including any renewals, will be valid for more than 60 days.
3. *Obligations of Applicant* – Within the term of any temporary occupancy permit, including any renewals thereof, it will be the obligation of the applicant, whether or not it is the owner of the property, to complete or cause to be completed, all matters and things necessary to the issuance of an occupancy permit.

- d. *Appeals* – The grant or denial of a temporary occupancy permit may be appealed to the Board of Appeals.

25.07.12 – Certificate of Approval in Historic Districts

- a. *Requirement* – A Certificate of Approval issued by the Historic District Commission is required prior to any of the following actions to a structure that would affect the historic, archaeological, or architectural significance of the site or the exterior appearance or finish of a structure: ~~any portion of which is visible or intended to be visible from a public way:~~

1. Construction;
 2. Alteration;
 4. Reconstruction;
 4. Movement; or
 5. Demolition.
- b. *No Resubmittal of Rejected Applications* – The applicant may not resubmit an application for a Certificate of Approval that is identical to a rejected application for one (1) year after the rejection.
 - c. *Issuance / Denial* – All applications for Certificates of Approval must be considered and acted upon by the Historic District Commission in accordance with the provisions of State law applicable to such permits.
 - d. *Validity Implementation Period of Approval* – The issuance of a Certificate of Approval by the Historic District Commission is subject to the provisions of Section 25.04.04.f.
 - e. *Appeal* – The grant or denial of a Certificate of Approval may be appealed pursuant to the appeal process for the Historic District Commission as specified in Section 25.04.04.g.

25.07.13 – Additional Permits and Approvals

In addition to the permits listed in this Article, land use development may be subject to the requirements of additional permits found in other Chapters of the City Code. It is the responsibility of the applicant to ensure that the development complies with all requirements of the City Code. The following permits may be required for development, but are not limited to this list:

1. Building construction permits in Chapter 5;
2. Electrical, Gas, Mechanical, and Plumbing Permits in Chapter 5 (Building and Building Regulations);
3. Fire Protection Permits in Chapter 9 (Fire Safety Code);
4. Tree Removal Permits in Chapter 10.5 (Forest and Tree Preservation);

5. Stormwater Management and Sediment Control Permits in Chapter 19 (Sediment Control and Storm Water Management); and
6. Any number of construction permits required for street construction, which may include, but is not limited to, a Public Works permit or a utility permit (see generally, Chapter 21, Streets and Public Improvements).

